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7 BLESSED MARVELOUS HERVE

8
9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 BLESSED MARVELOUS HERVE,
17 Defendant.

Case No. 13 Cr. 293 CRB
SENTENCING MEMORANDUM; OBJECTIONS
TO PRESENTENCE REPORT

Date: January 22, 2014
Time: 10:00 a.m.
Courtroom: 6, 17th Floor

Before the Honorable Charles R. Breyer
United States District Judge

I. Preliminary Statement

Defendant Blessed Marvelous Herve, by and through his counsel, respectfully submits the following Sentencing Memorandum and Objections to the Presentence Report (“PSR”). Mr. Herve comes before the Court having pleaded guilty to one count of wire fraud, in violation of 18 U.S.C. § 1343. He is subject to a statutory sentencing range of zero to 20 years incarceration, and the United States Sentencing Guidelines, properly calculated, advise a sentence of 33-41 months. The Government and United States Probation ask the Court to sentence Mr. Herve to 37 months incarceration. *See* Dkt. 31 ¶ 15; PSR Sentencing Recommendation. With due regard for both those offices and their assessments of this case, Mr. Herve respectfully contends that both overstate the appropriate sentence, which Mr. Herve recommends to be 33 months. Accordingly, pursuant to *United States v. Booker*, 543 U.S. 220 (2005) and the factors set forth in 18 U.S.C. § 3553(a), Mr. Herve respectfully asks the Court to sentence him to 33 months in custody (“the recommended sentence”).

II. Overview

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Koon v. United States*, 518 U.S. 81, 113 (1996). “Underlying this tradition is the principle that the punishment should fit the offender and not merely the crime.” *Pepper v. United States*, —U.S.—, 131 S. Ct. 1229, 1240 (2011) (internal quotations and citation omitted).

This Court has broad discretion to sentence Mr. Herve within the sentencing range applicable to the sole count. Subsequent to the great sea change occasioned by *Booker*, this Court again stands as the arbiter of a just and proper sentence, empowered and required to “make an individualized assessment” of a just sentence pursuant to the factors presented in 18 U.S.C. § 3553(a). *Gall v. United States*, 552 U.S. 38, 50 (2007). This return of broad discretion is appropriate because “[t]he sentencing judge is in a superior position to find facts and judge their import under § 3553(a) in the individual case.” *Id.* at 51-52.

The Supreme Court’s “post-*Booker* opinions make clear that, although a sentencing court must ‘give respectful consideration to the Guidelines, *Booker* permits the [C]ourt to tailor the

1 sentence in light of other statutory concerns as well.”” *Pepper*, 131 S. Ct. at 1241, quoting
 2 *Kimbrough v. United States*, 552 U.S. 85, 101 (2007). Accordingly, “although the Guidelines
 3 should be the starting point and the initial benchmark,’ district courts may impose sentences
 4 within the statutory limits based on appropriate consideration of all the factors listed in [18
 5 U.S.C.] § 3553(a), subject to appellate review for ‘reasonableness.’”” *Id.*, quoting *Gall*, 552 U.S.
 6 at 49-51.

7 The Court is thus charged to “impose a sentence sufficient, *but not greater than*
 8 *necessary*, to accomplish the goals of sentencing, including to reflect the seriousness of the
 9 offense, to promote respect for the law, to provide just punishment; to afford adequate
 10 deterrence; and to protect the public from further crimes of the defendant.” *Kimbrough*, 552 U.S.
 11 at 101 (internal quotation marks and citation omitted) (emphases added); *see also* 18 U.S.C. §
 12 3553(a). Accordingly, Mr. Herve addresses the section 3553(a) factors in turn, so that the Court
 13 may make an individualized assessment of the appropriate sentence here.

14 III. The Section 3553(a) Factors

15 A. Section 3553(a)(1).

16 Section 3553(a)(1) directs the Court to evaluate “[t]he nature and circumstances of the
 17 offense and the history and characteristics of the defendant.”

18 1. The history and characteristics of Blessed Marvelous Herve.

19 The “unique study in the human failings” presented by this case reflects a man deeply
 20 scarred by the tragedy of personal loss. *Koon*, 518 at 113. After the death of his mother due to
 21 complications from childbirth, Mr. Herve was raised by his father—who was then a high-level
 22 government official in the Republic of Congo—and his stepmother and extended family. PSR ¶¶
 23 43-44, 46. Mr. Herve demonstrated an early talent for music, and he honed his craft through
 24 musical studies as a child and young adult, including at the University of Marien Ngouabi in
 25 Brazzaville, Congo. *Id.* ¶¶ 57-58.

26 Mr. Herve’s passion for music led him to this country as a young man. In 1992, he
 27 entered the United States on a student visa (with financial support from the government of
 28 Congo) to study music at Azusa Pacific University in Azusa, California. *Id.* ¶¶ 46, 57. That

1 decision proved to be a fateful event, and forever altered the course of Mr. Herve's life. Shortly
 2 after he arrived in the United States, the Republic of Congo experienced a change in government,
 3 and a wave of political violence ensued, resulting in the assassinations of every member of his
 4 family left in the Congo, including his father, stepmother, siblings, and other relatives. *Id.* ¶¶ 44-
 5 46. Accordingly, although Mr. Herve managed to escape murder by the happenstance of
 6 studying abroad, his life—which was previously characterized by peace and comfort—was
 7 upended, and he found himself stranded, alone, and penniless in a foreign land, unable to return
 8 home for fear of violent reprisal. *See id.*

9 Despite these emotional and financial hardships, Mr. Herve carved out a life for himself
 10 in the United States by learning English and supporting himself primarily through work as a
 11 security guard. *Id.* ¶¶ 64-65. He also, however, lost his legal status in the United States—having
 12 lost his government aid to attend Azusa Pacific University, and thus his student visa—and in a
 13 desperate (though misguided) attempt to avoid removal to the Congo, he procured false
 14 documents in support of a United States passport application. *Id.* ¶¶ 32-33, 36. Although that
 15 conduct culminated in a misdemeanor conviction and probationary sentence imposed by the
 16 Honorable Marilyn Hall Patel, *id.* ¶ 33, it also had the effect of catalyzing Mr. Herve's
 17 application for asylum, which immigration authorities granted in 1998. *Id.* ¶ 47.¹

18 Mr. Herve then made a life for himself in San Francisco. He supported himself through
 19 various service industry jobs, all while also trying to forge a career in music. *See id.* ¶¶ 61-63.
 20 Importantly, he also applied his musical talents for the benefit of charity, donating so many
 21 performances to charitable fundraising events that he received a stream of accolades from
 22 federal, state, and local elected officials, including (a) two Certificates of Special Congressional
 23 Recognition from Nancy Pelosi and Tom Lantos, respectively; (b) a Commendation from
 24 Governor Gray Davis; (c) a Certificate of Recognition from the California State Senate; (d) a
 25 Certificate of Recognition from the California State Assembly; and (e) two Certificates of Honor,
 26 from Mayors Willie Brown and Gavin Newsom, respectively. *See Exhibit A.*

27
 28 ¹Mr. Herve later naturalized as a United States citizen. PSR ¶ 47.

1 Lurking beneath the surface, however, was a deep gulf between the public persona Mr.
 2 Herve projected and strove to achieve—*i.e.*, that of a successful musician performing for wealthy
 3 and public figures—and his inner life, which was (and is) defined by debilitating mental illness
 4 due to the murder of his family. Although Judge Tigar denied Mr. Herve’s request for funds to
 5 conduct a psychiatric evaluation, the record discloses (at least some of) the emotional and mental
 6 distress from which Mr. Herve continues to suffer, and the ways in which his illness manifests
 7 itself, thus informing the appropriate sentence in this case.

8 Most directly, Mr. Herve has been diagnosed with major depressive disorder, a condition
 9 that ““causes clinically significant distress, or impairment in occupational, social, and other
 10 important areas of functioning.”” PSR ¶ 54.² Among other manifestations, Mr. Herve has
 11 suffered—and continues to suffer—from nightmares, fits of crying, anxiety, thoughts of suicide,
 12 feelings of hopelessness, social withdrawal, insomnia, and deteriorating physical health,
 13 including obesity and kidney problems. *See id.* ¶¶ 51-55; *see also* US001191-92.³ According to
 14 a psychologist who treated Mr. Herve near the time of his prior case, these symptoms were “a
 15 response to the combined stressors of incarceration, deaths of family members, and fear of his
 16 own death.” US001192.

17 In light of these difficulties, and despite his best efforts, Mr. Herve’s mental illness
 18 impedes his ability to maintain interpersonal relationships. For example, although Mr. Herve (a)
 19 made child support payments for his daughter prior to his current incarceration, and (b) continues
 20 to fight for custody of his son (even from jail), he has been unable to maintain relationships with
 21 either of his children’s mothers, and as a result, both have taken the extreme measure of
 22 withholding the children from him, leaving Mr. Herve without meaningful contact with either of
 23 his children. PSR ¶ 48.

24
 25 ²Mr. Herve has also been informed by mental health professionals that his symptoms are
 26 consistent with post traumatic stress disorder.

27 ³Citations bearing the prefix “US” refer to the discovery produced by the United States in
 28 this case.

1 So too, Mr. Herve's living conditions cast light on his inner struggles. As the PSR notes,
 2 the conditions of Mr. Herve's San Francisco apartment may most accurately be described as
 3 squalid. The bathroom facilities were broken and unusable, and the kitchen was also grim and
 4 cluttered to the point of inoperability. *Id.* ¶ 49. In addition, the apartment was littered with large,
 5 disorganized stacks of papers and files, including thousands of California lottery tickets. *Id.* The
 6 home was further stacked with hundreds of dress shirts, suits, hats, and ties, many of which
 7 remained unopened in their retail packaging. *Id.* The apartment was thus difficult to navigate,
 8 with only narrow, isolated portions available to walk upon and sit. *Id.*

9 In other words, Mr. Herve comes before the Court as a broken man who straddles two
 10 worlds: (1) an imagined one—modeled on the one he lost—characterized by comfort, culture,
 11 ease, and privilege, and (2) his real one, characterized by pain, isolation, the hoarding of material
 12 possessions, and withdrawal from society due to the tragic loss of his family and the upheaval of
 13 his life. Against this backdrop, Mr. Herve committed the fraud in this case.

14 **2. The nature and circumstances of the offense.**

15 United States Probation characterizes Mr. Herve's offense as "particularly heinous[.]" *Id.*,
 16 Sentencing Recommendation. Mr. Herve does not contest the seriousness of his
 17 conduct—indeed, he deeply regrets the harm he has caused—but he disagrees with the Probation
 18 Officer's assessment of this case.⁴

19 To begin, Probation contends that the crime was not a "crime of opportunity or impulsive
 20 act[.]" and instead, that Mr. Herve "preyed upon the victims relentlessly[.]" *Id.* Contrary to
 21 Probation's view, however, Mr. Herve did not set out to "prey[] upon" B.E. or K.W.⁵ Instead,
 22 and in contrast to the narrative provided B.E., Mr. Herve's relationship with B.E. began—and
 23 continued for some time—as a genuine friendship characterized by mutual respect, trust, and

24
 25 ⁴Mr. Herve also finds curious Probation's characterization of the offense as "particularly
 26 heinous" while recommending a mid-range Guidelines sentence that differs from the
 27 recommended sentence by only four months.

28 ⁵Mr. Herve maintains the convention, adopted by the Government and Probation, of
 referring to the complaining witnesses by their initials.

1 honesty. Indeed, Mr. Herve and B.E. not only maintained a personal friendship, but also took
 2 steps toward becoming business partners, including the establishment of a jointly-managed
 3 limited liability corporation under Nevada law for the purpose of entering, among other possible
 4 ventures, the wine business. *See* Ex. B (LLC registration documentation). Accordingly, Mr.
 5 Herve's initial receipt of funds from B.E. was not induced by the misrepresentations at issue in
 6 this case, but instead, B.E. deposited the funds with Mr. Herve as a good faith gesture to (a) to
 7 support his friend, and (b) set aside funds with an eye toward the pair's planned business
 8 ventures.

9 Regrettably, Mr. Herve—who once lived a life of comfort, but had long since been
 10 relegated to less than modest means—succumbed to temptation, failed to preserve the funds
 11 entrusted to him by B.E., and then misled B.E. with the inaccurate statements at issue in this
 12 case. The situation spiraled out of control, and Mr. Herve neither succeeded in paying B.E. back,
 13 nor in extracting himself from the series of inaccurate excuses he offered B.E. and K.W. to
 14 support his requests for funds. In sum, Mr. Herve did not set out to defraud B.E. and K.W.,
 15 although he ultimately made a series of false representations that did just that.

16 In addition, this was an unsophisticated fraud. A brief internet search easily reveals that
 17 the President of the Republic of Congo is Denis Sassou Nguesso, whose name bears no
 18 resemblance to Mr. Herve's, and thus easily could have raised a red flag. *See*
 19 http://en.wikipedia.org/wiki/Republic_of_the_Congo.⁶ So too, it is difficult to understand how
 20 B.E.—himself a successful and sophisticated Marin County realtor—could have believed such
 21 (admittedly fantastical) claims as (a) that a foreign head of state would require funds from him to
 22 rent bulletproof limousines, PSR ¶ 7, (b) that Mr. Herve had a “secret session” before the United
 23 States Supreme Court, *id.* ¶ 11; or (c) that Mr. Herve, who was himself requesting funds from
 24 B.E. for living expenses, was living at the Four Seasons Hotel, *id.* ¶ 9. There must be more to
 25 this story.

26
 27
 28 ⁶If fact, although B.E. plainly did not know as much, Nguesso is presumed to be the person responsible for the murders of Mr. Herve's family. PSR ¶ 44.

1 The fact that this fraud occurred, let alone for such a long period of time, suggests another
 2 aspect of this case overlooked by Probation: that the fraud was facilitated, at least in part, by
 3 B.E.'s own greed. The four promissory notes in this case—in which Mr. Herve promised to pay
 4 B.E. "sums of \$500,000 and \$1,000,000 in exchange for his financial support[,]” Dkt. 31 ¶
 5 2—may fairly be described as usurious. So too, it was *B.E.*, *not* Mr. Herve, who involved K.W.
 6 in these matters, and who urged K.W. for money to give to Mr. Herve. *See* PSR ¶ 10. Contrary
 7 to Probation's view, *see* PSR ¶ 11, Mr. Herve never "told KW" anything; instead, his
 8 communications were with B.E., and it was *B.E.* who persuaded his girlfriend to part with her
 9 funds. Accordingly, although Mr. Herve expressly does not shift blame for his *own* conduct to
 10 B.E., B.E.'s desire to make "easy" money from his friend, who for much of the time (by his own
 11 account) B.E. believed was in custody and in desperate need of financial assistance, presents a
 12 different circumstance than Probation suggests. So too, B.E.'s eagerness to seek funds from
 13 K.W. can not be attributed solely to Mr. Herve.

14 Finally, Mr. Herve disagrees that he did not intend to repay B.E. and K.W. *Cf.* PSR,
 15 Sentencing Recommendation. In fact, the thousands of lottery tickets found inside Mr. Herve's
 16 home demonstrate that he was desperate to find a way out of his downward spiral of
 17 misrepresentations. Although this route plainly provided an unrealistic way to seek relief from
 18 his fraud, Mr. Herve maintains that he did—and does—intend to repay his debts.

19 **B. Section 3553(a)(2).**

20 Section 3553(a)(2) directs the Court to evaluate a sentence sufficient to "(A) reflect the
 21 seriousness of the offense, to promote respect for the law, and to provide just punishment for the
 22 offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from
 23 further crimes of the defendant; and (D) to provide the defendant with needed educational or
 24 vocational training, medical care, or other correctional treatment in the most effective manner."
 25 As the Supreme Court in *Kimbrough* made plain, the Court should fashion a "a sentence
 26 sufficient, but not greater than necessary" to meet these goals. 552 U.S. at 101.

27 In this case, Mr. Herve respectfully submits that the recommended sentence is "sufficient,
 28 but not greater than necessary" to satisfy each of the section 3553(a)(2) factors. While Mr. Herve

1 recognizes the seriousness of this offense, the recommended sentence includes a significant
2 custodial term—for a man who has never before served a day in prison—that itself satisfies each
3 of the section 3553(a)(2) factors.

4 In addition, as noted, this was an unsophisticated and easy-to-detect fraud, which suggests
5 a low likelihood of recidivism. In other words, although Mr. Herve can assure the Court that he
6 needs no additional deterrence, it is difficult to imagine Mr. Herve—whose name has, in any
7 event, been broadcast in the press because of this case—undertaking similar conduct again.

8 It is true, as Probation notes, that Mr. Herve does not have an unblemished criminal
9 record, but his prior misdemeanor conviction was (a) remote in time, (b) committed out of a
10 desperate attempt to avoid the same fate as his family, and (c) the recommended sentence
11 presents a considerable increase from the probationary sentence imposed by Judge Patel, thus
12 satisfying the principle of incremental punishment, and sending a clear message to Mr. Herve
13 that he must not reoffend.

14 Mr. Herve also asks the Court to consider the significant punishments he has already
15 suffered. In addition to the embarrassment of these public findings of guilt, and the difficulty (if
16 not impossibility) of obtaining custody of his son following this case, Mr. Herve has also
17 suffered unduly harsh conditions in pretrial custody, which stem from his courageous act of
18 alerting the deputies to a dangerous situation inside the jail, which caused the deputies to move
19 Mr. Herve into administrative segregation for his own safety.⁷

20 Finally, in light of Mr. Herve's mental condition—which his prior psychologist
21 (unsurprisingly) opined was aggravated by incarceration—Mr. Herve respectfully contends that
22 minimizing the length of his incarceration, while remaining within the bounds of his plea
23 agreement, will greatly assist him in reintegrating into society upon release, thus permitting him
24 to more quickly find employment and commence the process of repayment to B.E. and K.W.

25 ////

26

27 ⁷For this reason, Mr. Herve respectfully asks the Court to order his transfer to FCI Dublin
28 after sentencing, rather than require him to wait for his BOP designation under the harsh
conditions in which he currently lives.

1 Similarly, Mr. Herve asks the Court to account for the much greater likelihood that he will
2 receive adequate treatment for his kidney condition out of custody.

3 Under all of these facts, Mr. Herve respectfully suggests that the recommended sentence
4 satisfies the requirements of section 3553(a)(2).

5 **C. Sections 3553(a)(3), 3553(a)(4), 3553(a)(5).**

6 Sections 3553(a)(3) through (a)(5) direct the Court to assess the kinds of sentences
7 available statutorily and pursuant to the United States Sentencing Guidelines, as well as the
8 policy statements and amendments issued by the United States Sentencing Commission. This
9 section gives effect to *Kimbrough*'s directive for this Court to consider the advisory guidelines
10 like the rest of the section 3553(a) factors.

11 There are no disagreements regarding these factors. Count One provides for a statutory
12 sentencing range of zero to 20 years imprisonment. *See* 18 U.S.C. § 1343; Dkt. 31 ¶ 1; PSR ¶ 69.

13 Similarly, the parties agree that the Sentencing Guidelines should be calculated pursuant
14 to USSG § 2B1.1; that the proper calculation begins with Base Offense Level 7; that the offense
15 level should be increased by 16 based on a loss amount exceeding \$1,000,000; and that Mr.
16 Herve should receive a three-level reduction for acceptance of responsibility, resulting in a Total
17 Offense Level of 20. USSG §§ 2B1.1, 3E1.1; Dkt. 31 ¶ 7; PSR ¶¶ 20-29, 70. So too, there
18 should be no disagreement that Mr. Herve falls into Criminal History Category I, yielding an
19 advisory Guidelines range of 33-41 months. PSR ¶¶ 35, 70.

20 **D. Section 3553(a)(6).**

21 Section 3553(a)(6) directs the Court to consider the need to avoid unwarranted sentencing
22 disparities among defendants with similar records who have been found guilty of similar
23 conduct. The recommended sentence, which falls within the advisory Guidelines range, would
24 not cause unwarranted sentencing disparities within the scope of this rule.

25 **E. Section 3553(a)(7).**

26 The last section 3553 factor requires the Court to consider "the need to provide restitution
27 to any victims of the offense." Mr. Herve agrees to the restitution amount of \$1,605,926 set forth
28 by United States Probation, *see* PSR ¶ 13, and affirms his commitment to making full restitution

1 in this matter. So too, Mr. Herve reiterates that in contrast to the 37-month sentence requested by
2 the Government and Probation, the recommended sentence would permit him to more quickly
3 reintegrate back into society upon release from custody, and thus begin the important process of
4 repayment.

5 **IV. Objections to Presentence Report**

6 For the reasons set forth below and in the text above, Mr. Herve respectfully objects to
7 the Presentence Report on the following grounds:

8 **Objection No. 1:**

9 Mr. Herve objects to the inclusion of the purported alias “Rodrigue Herve Ndandou” on
10 the caption page of the PSR, and he asks the Court to strike it. Mr. Herve is unaware of any
11 evidence that supports his alleged used of that name.

12 **Objection No. 2:**

13 Mr. Herve objects to paragraphs 36-39 of the PSR, and he asks the Court to strike them.
14 This section consists of unsustained criminal accusations, not “Other Criminal Conduct” as the
15 PSR reports. At a minimum, Mr. Herve asks the Court to order this section restyled with a more
16 accurate title such as “Unsustained Criminal Allegations” or “Other Criminal Allegations[.]”

17 **Objection No. 3:**

18 With respect to paragraph 39, Mr. Herve objects to the detailed recitation of the
19 complaining witness’s discredited—and dismissed—accusations, and he asks that this
20 inflammatory material be removed. In addition, although the PSR refers to eight counts at issue,
21 the complaint only brought four, including one count each of (i) rape, (ii) sodomy (not “crimes
22 against nature”), (iii) false imprisonment, and (iv) oral copulation. US000586-87.

23 **Objection No. 4:**

24 With respect to paragraph 45, Mr. Herve objects to Probation’s recitation of an alleged
25 factual dispute between prior Government and defense counsel regarding the murder of Mr.
26 Herve’s family, and its conclusion that Mr. Herve “should be given the benefit of the doubt with
27 regard to these biographical details.” Although Government counsel may have held “doubt” at
28 the time of the prior PSR (upon which paragraph 45 relies), as of this writing, there is no “doubt”

regarding these matters. Not only was Mr. Herve granted asylum in 1998 on the basis of these facts, but so was his application for permanent residency in the 2000s. So too, notwithstanding Mr. Herve’s disagreement with the Government regarding the appropriate sentence in this case, he is not aware that the United States Attorney’s Office continues to contest these facts. Accordingly, Mr. Herve asks that the PSR be amended to reflect the tragic loss of his family without reference to any purported “doubts” on the topic.

Objection No. 5:

Mr. Herve objects to the PSR's recitation that Mr. Herve "reported that he has no prior history of mental or emotional problems, and no history of formal treatment or medication for such problems." PSR ¶ 54. As the PSR itself recognizes, Mr. Herve "is still struggling with the murder of his family members, and has experienced depression[.]" *Id.* ¶ 55.

V. Conclusion

For these reasons, Mr. Herve respectfully asks the Court to impose the recommended sentence.

Respectfully submitted,

DATED: January 15, 2014

COLEMAN & BALOGH LLP

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BLESSÉ MARVELOUS HERVE

EXHIBIT A

SEARCHED 3/15/13 7/23/13
1882 59th Ave. San Francisco, CA 94122
Item # _____ Found in Room _____
Item Description: California State Legislature
Date California, 1974 Available
Where Found: Library as well
Foster 2 with



California Legislature



California State Assembly

Certificate Of
Recognition



PRESENTED TO:

Blessed M. Herve

IN HONOR OF:

Your Outstanding Service and Commitment To Various
Communities and Organizations In San Francisco

January 9, 2002

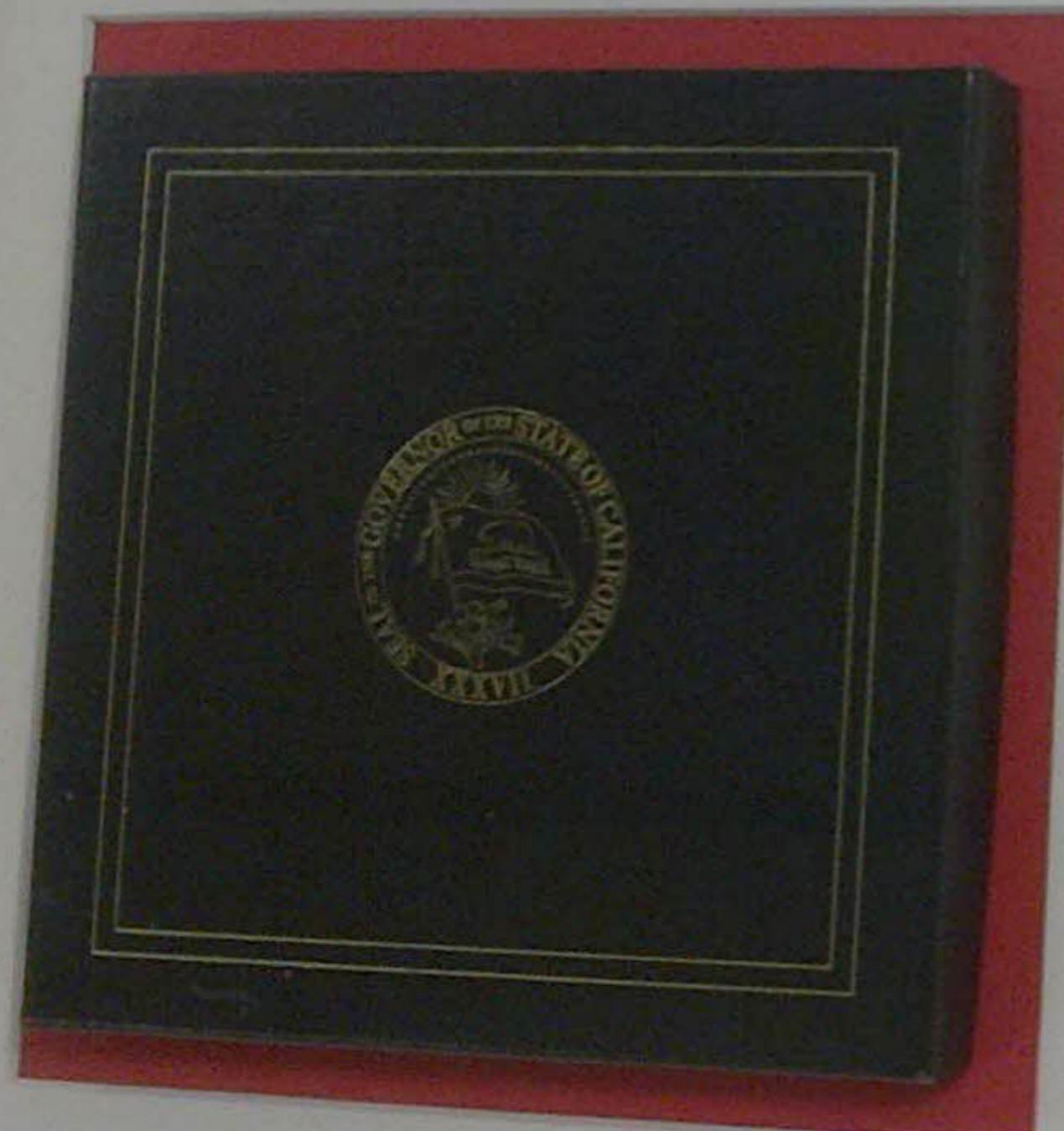
Kevin Shelley
Handwritten signature of Kevin Shelley.

MEMBER OF THE ASSEMBLY

12th ASSEMBLY DISTRICT
CALIFORNIA STATE LEGISLATURE



Where Found: hearing room wall
Finder 1 Initials: agj JH
Finder 2 Initials: JH



GOVERNOR GRAY DAVIS

Commendation

Blessed Marvelous Herve

July 12, 2000

It is a great pleasure to recognize you for your hard work and unselfish dedication to improving the lives of those in the San Francisco community. By generously sharing your time, energy and skills as a composer and pianist, you have made a positive and lasting impact on many lives.

I salute your remarkable compassion and ongoing commitment to public service. Your extraordinary volunteer work truly makes a difference and serves as an inspiration for all Californians.

On behalf of the people of the State of California, I extend best wishes for continued success.


Governor Gray Davis

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841

California
State Senate



CALIFORNIA STATE SENATE
certificate
of
RECOGNITION



Presented to
BLESSED MARVELOUS HERVE

- ◊ TO HONOR BLESSED MARVELOUS HERVE, FOR YOUR SELF CONFIDENCE, GRACIOUS NATURE, FREE SPIRIT, AND GENERAL WILLINGNESS AND EAGERNESS TO HELP OUT WITH ANY AND EVERY CAUSE YOU HAVE THE TALENT, EXPERTISE AND GENEROSITY TO HELP.
- ◊ TO RECOGNIZE YOU AS A GIFTED COMPOSER OF BRILLIANT ORIGINAL MUSICAL COMPOSITIONS, AND AS A PERFORMER OF OUTSTANDING GRANDEUR, CHARM, DIGNITY, STRENGTH OF CHARACTER AND GRACE.
- ◊ TO COMMEND YOUR COMPOSITIONAL WORKS, A SEGMENT OF THE UNITED STATES COPYRIGHT OFFICE RECORDS OF REGISTRATION, AND TO COMMEND YOUR CHARITABLE PERFORMANCES FOR THE MANY NEEDY CAUSES IN SAN FRANCISCO.

John L. Burton
SENATOR

JANUARY 01, 2002
SAN FRANCISCO, CA





*Certificate of Special
Congressional Recognition*

Presented to

Blessed Marvelous Herve

*in recognition of outstanding and invaluable
service to the community.*

April 1, 2000

DATE

Nancy Pelosi
MEMBER OF CONGRESS

ULINE HANDI-MOVER

H-1115

400 LBS. CAPACITY



The City and County of San Francisco

Certificate of Honor

Presented To

Blessed Marvelous Herve

January 31, 2005

Whereas, on behalf of the City and County of San Francisco, I am pleased to recognize and honor Blessed Marvelous Herve for his dedicated service to the citizens of San Francisco. Best wishes and good luck in your future endeavors!



*THEREFORE, I have hereunto set my
hand and caused the Seal of the City and
County of San Francisco to be affixed.*

A handwritten signature in black ink, appearing to read "Gavin Newsom".

*Gavin Newsom
Mayor*

1K 3/3/11
FBI INVESTIGATION



*Certificate of Special
Congressional Recognition*

Presented to

Blessed Marvelous Herve

*in recognition of outstanding and invaluable
service to the community.*

March 21, 2000

DATE

Tom Lantos

MEMBER OF CONGRESS





The City and County of San Francisco

Certificate of Honor

Presented To

BLESSED MARVELOUS HERVE
APRIL 1, 2000

WHEREAS, on behalf of the City and County of San Francisco, I am pleased to join the community in recognizing and honoring Blessed Marvelous Herve for his dedicated service to the citizens of San Francisco and thank him for sharing his musical gift with all of us. I wish him continued success and happiness.



THEREFORE, I have hereunto set my hand and caused the Seal of the City and County of San Francisco to be affixed.

A handwritten signature in black ink that reads "Willie Lewis Brown, Jr." followed by "Mayor".

Willie Lewis Brown, Jr.
Mayor

EXHIBIT B

BE MARVELOUS LLC

Business Entity Information

Status:	Revoked	File Date:	8/5/2008
Type:	Domestic Limited-Liability Company	Entity Number:	E0508152008-2
Qualifying State:	NV	List of Officers Due:	8/31/2009
Managed By:	Managing Members	Expiration Date:	
NV Business ID:	NV20081087828	Business License Exp:	

Registered Agent Information

Name:	UNITED STATES CORPORATION AGENTS, INC.	Address 1:	500 N RAINBOW BLVD STE 300A
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89107
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Officers

Include Inactive Officers

Managing Member - B [REDACTED] E [REDACTED]			
Address 1:	59 DAMONTE RANCH PARKWAY	Address 2:	STE B BOX 313
City:	LAS VEGAS	State:	NV
Zip Code:	89107	Country:	
Status:	Active	Email:	
Managing Member - BLESSED M HERVE			
Address 1:	59 DAMONTE RANCH PARKWAY	Address 2:	STE B BOX 313
City:	LAS VEGAS	State:	NV
Zip Code:	89107	Country:	
Status:	Active	Email:	

Actions\Amendments

Action Type:	Articles of Organization		
Document Number:	20080529469-35	# of Pages:	1

File Date:	8/5/2008	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20080619255-68	# of Pages:	1
File Date:	9/24/2008	Effective Date:	
ILO			

1 **PROOF OF SERVICE**
2

3 I, Jay A. Nelson, certify that on January 15, 2014, I served all parties in this matter by
4 filing the preceding pleading electronically, as set forth by Local Rule 5-1. I also served United
5 States Probation Officer Patrick McFate with a copy by electronic mail.

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8 Dated: January 15, 2014

9 JAY A. NELSON
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